

RESOLUTION NO. 17-02-11

**A RESOLUTION OF THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
CONSIDERING A REDUCTION OF LIEN IN CODE
COMPLIANCE CASE NO. 08-205-GM; AUTHORIZING THE
VILLAGE MANAGER TO TAKE ALL NECESSARY AND
EXPEDIENT ACTION; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, Islamorada, Village of Islands (the “Village”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in accordance with Chapter 162, Florida Statutes, and the Village Code of Ordinances, the Village recorded a code compliance lien in Case No. 08-205-GM against property located within the Village at 81908 Overseas Highway, Islamorada, Florida 33036; and

WHEREAS, as of December 1, 2016, the lien totaled Seven Hundred Fifty-Five Thousand and 00/100 Dollars (\$755,000.00); and

WHEREAS, the Village’s Code Compliance Department has determined that the property is in compliance, and an Affidavit of Compliance has been issued for the property; and

WHEREAS, in accordance with Section 2-120 of the Village Code of Ordinances (the “Code”), on January 17, 2017, the Village Code Compliance Hearing Officer, after hearing testimony, entered an “Order Reducing Fines” thereby reducing the lien total of Seven Hundred Fifty-Five Thousand and 00/100 Dollars (\$755,000.00) to Five Hundred Sixty-Six Thousand Two Hundred Fifty and 00/100 Dollars (\$566,250.00)

WHEREAS, the property owner has requested a hearing for reconsideration before the Village Council seeking a further reduction of the lien amount; and

WHEREAS, Section 20-120(s) of the Code provides that the Village Council may, for good cause shown, reduce the fine below the fine reduction guidelines; and

WHEREAS, in determining good cause, the Village Council may consider the efforts of the owner to bring the property into compliance, the seriousness of the violation, prior violations, if any, the reduced lien amount approved by the Village Code Hearing Officer and any other relevant factors; and

WHEREAS, the Village Council finds that consideration of this Request for Reconsideration is in accordance with Chapter 162, Florida Statutes, and the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. **Consideration of Reduction.** The Village Council hereby determines that there is good cause to reduce the fine below the fine reduction guidelines. Based on the foregoing, the Village Council recommends that the fine and lien amount be further reduced by **91.17% to Fifty Thousand and 00/100 Dollars (\$50,000).**

Section 3. **Authorization of Village Officials.** The Village Manager is hereby authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 4. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 16th day of February, 2017.

Motion to adopt by Councilwoman Deb Gillis, second by Vice Mayor Chris Sante.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	NO



CHRIS SANTE, VICE MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY:



ROGET V. BRYAN, VILLAGE ATTORNEY